

**U.S. District Court  
District of Montana (Missoula)  
CIVIL DOCKET FOR CASE #: 9:18-cv-00154-DWM**

American Civil Liberties Union et al v. Department of Defense  
et al  
Assigned to: Judge Donald W. Molloy  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/04/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: Federal Question

**Plaintiff**

**American Civil Liberties Union**

represented by **Alexander H. Rate**  
AMERICAN CIVIL LIBERTIES UNION  
OF MONTANA  
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**Plaintiff**

**American Civil Liberties Union  
Foundation**

represented by **Alexander H. Rate**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Brett Max Kaufman**  
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**Emerson Sykes**  
(See above for address)  
*LEAD ATTORNEY*  
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**Plaintiff**

**American Civil Liberties Union of  
Montana Foundation, Inc.**

represented by **Alexander H. Rate**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Brett Max Kaufman**  
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**Emerson Sykes**  
(See above for address)  
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V.

**Defendant**

**Department of Defense**

represented by **Mark Steger Smith**  
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**Defendant**

**DEPARTMENT OF HOMELAND  
SECURITY**

represented by **Mark Steger Smith**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Victoria L. Francis**  
(See above for address)  
*LEAD ATTORNEY*  
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**Defendant**

**Department of the Interior**

represented by **Mark Steger Smith**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED***Victoria L. Francis**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Department of Justice**represented by **Mark Steger Smith**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Victoria L. Francis**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/04/2018	<u>1</u>	COMPLAINT against All Defendants, filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc.. (Attachments: # <u>1</u> Exhibit A–Emails, # <u>2</u> Exhibit B–Response Letter, # <u>3</u> Exhibit C–Emails, # <u>4</u> Exhibit D–Report 2017, # <u>5</u> Exhibit E–HS Report 2017, # <u>6</u> Civil Cover Sheet) (TAG) (Entered: 09/04/2018)
09/04/2018		Filing fee: \$ 400, receipt number 0977–2188899 (TAG) (Entered: 09/04/2018)
09/04/2018	<u>2</u>	Summons Issued as to Department of Homeland Security, Department of Defense, Department of Justice, Department of the Interior. Originals mailed to counsel for plaintiffs (TAG) (Entered: 09/04/2018)
09/04/2018	<u>3</u>	Corporate Disclosure Statement by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc. as to American Civil Liberties Union and American Civil Liberties Union Foundation. (Rate, Alexander) (NOS) (Entered: 09/04/2018)
09/04/2018	<u>4</u>	Corporate Disclosure Statement by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc. as to American Civil Liberties Union of Montana Foundation, Inc. (Rate, Alexander) (NOS) (Entered: 09/04/2018)
09/06/2018	<u>5</u>	MOTION Brett Max Kaufman to Appear Pro Hac Vice ( Filing fee \$ 255 receipt number 0977–2190816.) Alexander H. Rate appearing for Plaintiffs American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc. (Attachments: # <u>1</u> Affidavit Brett Max Kaufman, # <u>2</u> Text of Proposed Order PO PHV) (Rate, Alexander) (Entered: 09/06/2018)
09/07/2018	<u>6</u>	ORDER granting <u>5</u> Motion to Appear Pro Hac Vice for Brett Max Kaufman. Acknowledgment of PHV Order due within fifteen (15) days. Signed by Judge Donald W. Molloy on 9/7/2018. (NOS) (Entered: 09/07/2018)
09/10/2018	<u>7</u>	ORDER: Preliminary Pretrial Statement due by 10/26/2018. Proposed Case Management Plan due by 12/10/2018. Signed by Judge Donald W. Molloy on 9/10/2018. (NOS) (Entered: 09/10/2018)
09/12/2018	<u>8</u>	NOTICE of Acknowledgment of Pro Hac Vice Order by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc. (Kaufman, Brett) (Entered: 09/12/2018)
09/20/2018	<u>9</u>	Proof of Service filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc.. Service by certified mail on 09/17/18. (Kaufman, Brett) (Entered: 09/20/2018)
09/20/2018	<u>10</u>	Proof of Service filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc..

		Service by certified mail on 09/14/18. (Kaufman, Brett) (Entered: 09/20/2018)
09/20/2018	<u>11</u>	Proof of Service filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc.. Service by certified mail on 09/20/18. (Kaufman, Brett) (Entered: 09/20/2018)
09/20/2018	<u>12</u>	Proof of Service filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc.. Service by certified mail on 09/14/18. (Kaufman, Brett) (Entered: 09/20/2018)
09/20/2018	<u>13</u>	Proof of Service filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc.. Service by certified mail on 09/14/18. (Kaufman, Brett) (Entered: 09/20/2018)
09/25/2018		Set/Reset Deadlines: Answer due date as to all Defendants. (NOS) (Entered: 09/25/2018)
10/25/2018	<u>14</u>	MOTION Emerson Sykes to Appear Pro Hac Vice ( Filing fee \$ 255 receipt number 0977-2214576.) Alexander H. Rate appearing for Plaintiffs American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc. (Attachments: # <u>1</u> Affidavit Emerson S, # <u>2</u> Text of Proposed Order) (Rate, Alexander) (Entered: 10/25/2018)
10/26/2018	<u>15</u>	ORDER granting <u>14</u> Motion to Appear Pro Hac Vice of Emerson Sykes. Acknowledgment of PHV Order due within fifteen days of the date of this Order. Signed by Judge Donald W. Molloy on 10/26/2018. (NOS) (Entered: 10/26/2018)
10/31/2018	<u>16</u>	NOTICE of Acknowledgment of Pro Hac Vice Order by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc. re <u>15</u> Order on Motion to Appear Pro Hac Vice (Sykes, Emerson) (Entered: 10/31/2018)
10/31/2018	<u>17</u>	ANSWER to <u>1</u> Complaint, by DEPARTMENT OF HOMELAND SECURITY, Department of Defense, Department of Justice, Department of the Interior. (Smith, Mark) (Entered: 10/31/2018)
11/19/2018	<u>18</u>	Unopposed MOTION for Extension of Time to File <i>Pretrial Deadlines</i> Mark Steger Smith appearing for Defendants DEPARTMENT OF HOMELAND SECURITY, Department of Defense, Department of Justice, Department of the Interior (Attachments: # <u>1</u> Text of Proposed Order) (Smith, Mark) (Entered: 11/19/2018)
11/20/2018	<u>19</u>	ORDER granting <u>18</u> Unopposed MOTION for Extension of Time to File <i>Pretrial Deadlines</i> . Preliminary Pretrial Statement due by 1/10/2019. Proposed case management plan due by 1/27/2019. The September 10, 2018, Order remains in full force and effect in all other respects. Signed by Judge Donald W. Molloy on 11/20/2018. (NOS) (Entered: 11/20/2018)
01/09/2019	<u>20</u>	MOTION for Extension of Time to File <i>Documents</i> Victoria L. Francis appearing for Defendants DEPARTMENT OF HOMELAND SECURITY, Department of Defense, Department of Justice, Department of the Interior (Attachments: # <u>1</u> Text of Proposed Order) (Francis, Victoria) (Entered: 01/09/2019)
01/10/2019	<u>21</u>	AFFIDAVIT/DECLARATION re <u>19</u> Order Setting,, Terminate Motions, <i>[Declaration of Michelle Bartlett, FOIA Officer for Dept of Defense, Army Corps of Engineers with attached Vaughn Index]</i> by Department of Defense. (Attachments: # <u>1</u> Vaughn Index for Dept of Defense, Army Corps of Engineers) (Francis, Victoria) (Entered: 01/10/2019)
01/10/2019	<u>22</u>	ORDER denying <u>20</u> Motion for Extension of Time to File Signed by Judge Donald W. Molloy on 1/10/2019. (CDH) (Entered: 01/10/2019)
01/10/2019	<u>23</u>	PRELIMINARY PRETRIAL STATEMENT by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc.. (Sykes, Emerson) (Entered: 01/10/2019)
01/10/2019	<u>24</u>	AMENDED DOCUMENT by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Montana Foundation, Inc.. Amendment to <u>23</u> Preliminary Pretrial Statement . (Sykes, Emerson) (Entered: 01/10/2019)

01/10/2019	<u>25</u>	PRELIMINARY PRETRIAL STATEMENT by DEPARTMENT OF HOMELAND SECURITY, Department of Justice, Department of the Interior. (Smith, Mark) (Entered: 01/10/2019)
01/10/2019	<u>26</u>	Redaction Index by DEPARTMENT OF HOMELAND SECURITY, Department of Justice, Department of the Interior. (Attachments: # <u>1</u> FBI's Glomar letter dated 01-09-2019 sent to the ACLU re this lawsuit) (Smith, Mark) (Entered: 01/10/2019)
01/10/2019	<u>27</u>	AMENDED DOCUMENT by DEPARTMENT OF HOMELAND SECURITY, Department of Defense, Department of Justice, Department of the Interior. Amendment to <u>25</u> Preliminary Pretrial Statement [ <i>UNITED STATES' AMENDED PRELIMINARY PRETRIAL STATEMENT</i> ]. (Smith, Mark) (Entered: 01/10/2019)
01/25/2019	<u>28</u>	JOINT DISCOVERY PLAN by DEPARTMENT OF HOMELAND SECURITY, Department of Defense, Department of Justice, Department of the Interior. (Francis, Victoria) (Entered: 01/25/2019)